



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

January 13, 1961

Mr. Raymond W. Vowell
Executive Director
Board for Texas State Hospitals
and Special Schools
Box S, Capitol Station
Austin, Texas

Opinion No. WW-981

Re: Validity of proposed contract between the Board for Texas State Hospitals and Special Schools and the county, whereby the county agrees to care for mentally ill committed to a Texas State Hospital under the control and management of the Board for Texas State Hospitals and Special Schools.

Dear Mr. Vowell:

You have requested our opinion on the validity of a proposed contract between the Board for Texas State Hospitals and Special Schools and the County of El Paso, whereby the County of El Paso, acting by and through the El Paso County Hospital, agrees to care and treat persons adjudged to be mentally ill, specifically agreeing to:

- (1) provide and maintain in-patient hospital facilities,
- (2) provide diets and basic nursing care, (3) furnish and maintain facilities for out-patients, and (4) provide and make available psychiatric consulting services of an average of ten visits per week.

Pursuant to the provisions of Article 3174b, Vernon's Civil Statutes, the Board for Texas State Hospitals and Special Schools has control and management of the Texas State Hospitals and Special Schools created by the Legislature and such "out-patient clinics" as are established by the Board pursuant to the provisions of Article 3174b-4, Vernon's Civil Statutes.

The El Paso County Hospital is not a Texas State Hospital or Special School created by the Legislature and

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the proposed contract does not create an out-patient clinic in compliance with the provisions of Article 3174b-4, Vernon's Civil Statutes. We fail to find any provision authorizing the Board for Texas State Hospitals and Special Schools to contract with the county for the care and treatment of mentally ill committed to a Texas State Hospital under the management and control of the Board for Texas State Hospitals and Special Schools. It is our opinion that the proposed contract attached to your request is invalid.

SUMMARY

The Board for Texas State Hospitals and Special Schools does not have authority to enter into the proposed contract whereby the county agrees to care for the mentally ill committed to a Texas State Hospital under the control and management of the Board for Texas State Hospitals and Special Schools.

Yours very truly,

WILL WILSON
Attorney General of Texas

By 
John Reeves
Assistant

JR:ms/hmc

APPROVED:

OPINION COMMITTEE
W. V. Geppert, Chairman

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REVIEWED FOR ATTORNEY GENERAL
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